

### **REMARKS/ARGUMENTS**

Applicants have fully considered the Final Office Action of August 29, 2006. No claims have been amended. Claims 1, 6-8, 13-15, 17-19, 22, and 29 are pending. Applicants request reconsideration of the application.

Claims 1, 7, 13-15, 17-19, and 22 were rejected under 35 U.S.C. 103(a) as being obvious over Hamano (6,500,594) in view of JP 06-180511.

Claims 1, 6-8, 13-15, 17-19, and 22 were rejected under 35 U.S.C. 103(a) as being obvious over Sacripante (6,140,003) in view of JP 06-180511.

Claims 29 was ejected under 35 U.S.C. 103(a) as being obvious over Sacripante (6,017,671) in view of JP 06-180511.

Applicants traverse these rejections.

Applicants submit a declaration under 37 CFR 1.132 in which the inventors declare that in their opinion as ones of ordinary skill in the art, the combinations offered by the Examiner do not render the instant claims obvious. In particular, there are several parameters which must be met by the combination of release agent (wax) and chemical toner. The wax must be compatible with the resin used, have an adequate melting point, and have good charging performance. Not all waxes will meet these parameters.

There is no indication in either Hamano or JP '511 that the release agent is compatible with sulfopolyester resin or has good charging performance.

There is no indication in either Sacripante '003 or JP '511 that the release agent is compatible with sulfopolyester resin or has good charging performance. Also, Sacripante discloses molecular ranges for waxes of 1,000 to 5,000. Stearyl stearamide is outside this range.

There is no indication in either Sacripante '671 or JP '511 that the release agent is compatible with sulfopolyester resin or has good charging performance. Also, Sacripante discloses molecular ranges for waxes of 1,000 to 5,000. Stearyl stearamide is outside this range.

Because these teachings are not provided in the offered references, there is no motivation to combine the references. MPEP § 2143.01. Because such teachings are necessary for a finding of obviousness (as the declaration states), Applicants submit that improper hindsight reasoning may have occurred here. MPEP § 2145(X)(A).

Therefore, Applicants submit the claims are non-obvious. Applicants request withdrawal of the three 103(a) rejections listed above.

### **CONCLUSION**

For the above reason, the pending claims (1, 6-8, 13-15, 17-19, 22, and 29) are believed to be in condition for allowance. Withdrawal of the rejections and issuance of a Notice of Allowance is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby authorized to telephone Richard M. Klein, at (216) 861-5582.

It is believed that no fee is due in conjunction with this response. If, however, it is determined that fees are due, authorization is hereby given for deduction of those fees from Deposit Account No. 24-0037.

Respectfully submitted,  
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